

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

$$\left. \begin{array}{l}) \\) \\) \\) \\) \\) \\) \\) \\) \\) \end{array} \right\}$$

4
5
6
7
8
9

5

6

$$\left. \begin{array}{l}) \\) \\) \\) \\) \end{array} \right\}$$

7
8
9

8
9

10
11
12

13

14
15
16
17
18
19
20
21

22

23
24
25
26
27

1 Title 18 U.S.C. § 3145(b) performs a similar function, allowing a defendant for whom a
2 detention order has already been entered, to file “with the court having original jurisdiction over the
3 offense, a motion for revocation or amendment of the order.” The phrase “original jurisdiction” in
4 this context refers to “the district in which the prosecution is pending.” *United States v. Evans*, 62
5 F.3d 1233, 1237 (9th Cir. 1995).

6 Here, Defendant specifically invokes 18 U.S.C. § 3142(f)(2)(B), so the court will construe
7 this as a motion to reopen the detention hearing rather than a motion to revoke or amend the original
8 order of detention. Defendant argues that the Court’s original decision to detain him was based in
9 part due to the existence of a temporary protective order against him that was related to a domestic
10 incident with a family member. Defendant represents that the temporary protective order has been
11 dissolved and the claims against him have been resolved, and argues that this change in
12 circumstances warrants reopening the detention hearing. The government opposes the motion,
13 arguing that given the other factors considered at the original detention hearing, the temporary
14 protective order was not material to the decision to detain him.

15 The government notes that at the original detention hearing, a number of factors led to the
16 Court’s decision to detain Defendant pending trial, including the fact that he is charged with a crime
17 of violence, the weight of the evidence against him, the nature and seriousness of the danger to
18 members of the community that his release would pose, Defendant’s recent conviction of a domestic
19 violence offense, Defendant’s prior convictions for gun and violent offenses, and Defendant’s
20 numerous prior warrants and probation violations. Gov.’s Resp. at p. 5 (ECF No. 463). Defendant
21 does not dispute that the Court previously considered these factors.

22 Given these uncontested factors, the Court does not find that the temporary protective order,
23 or its absence, has a material bearing on the issue of whether there are conditions of release that will
24 reasonably assure the appearance of Defendant at trial and provide for the safety of the community.
25 The Court therefore finds no basis to reopen the detention hearing under 18 U.S.C. § 3142(f).

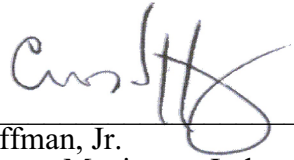
26 //

27 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS THEREFORE ORDERED that Defendant's motion to reopen detention hearing (ECF No. 459) is DENIED.

DATED: December 15, 2017



C.W. Hoffman, Jr.
United States Magistrate Judge